

Congress of the United States
Washington, DC 20515

March 3, 2021

Mr. Michael Carvajal
Director
Federal Bureau of Prisons
320 First Street N.W.
Washington, DC 20534

Dear Mr. Carvajal,

We write today seeking information about BOP's reported decision not to provide CARES Act funding to FCI Fort Dix. FCI Fort Dix has faced several disastrous COVID-19 outbreaks. As you develop a spending plan for the additional COVID-19 emergency response funding that Congress recently allocated to BOP, we urge you to ensure that FCI Fort Dix has sufficient resources to protect its staff and all of the incarcerated individuals in its care.

On March 27, 2020, then-President Trump signed the CARES Act (P.L. 116-136) into law. Included in the law was \$100 million in emergency funding for BOP to respond to COVID-19. According to the Department of Justice's June 25, 2020 report to the Pandemic Response Accountability Committee, BOP planned to use the CARES Act funding for personal protective equipment (PPE), cleaning supplies, Residential Reentry Centers (home confinement), and other relevant expenses.¹ However, in a letter to our offices dated December 3, 2020, BOP Regional Director N.C. English indicated that BOP did not provide any CARES Act funding to FCI Fort Dix. As a rationale, Director English explained that BOP allocated the CARES Act funding to "those institutions with the most need" and that "FCI Fort Dix has been able to manage its operations without additional CARES Act funding."

Unfortunately, it is clear that FCI Fort Dix did have serious unmet needs related to COVID-19 prevention and mitigation, and that the facility has been unable to safely manage its operations. There have been multiple outbreaks among both staff and incarcerated individuals at the facility in recent months, with the most severe peak to date occurring on January 12, 2021. On that date, 797 incarcerated individuals at FCI Fort Dix – nearly one-third of the facility's incarcerated population – had an active case of COVID-19.² Over the course of the pandemic, more than sixty-six percent of the facility's incarcerated population has contracted COVID-19.³ Tragically, an incarcerated individual at FCI Fort Dix died of complications from COVID-19 on January 22,

¹ <https://www.pandemicoversight.gov/sites/default/files/2020-06/DOJ%20CARES%20Act%20Report%20to%20PRAC%2020200625.pdf>

² https://experience.arcgis.com/experience/ab22fb4c564e4f4b986e257c685190e8/page/page_2/

³ Ibid.

2021.⁴ The long-term health effects for the hundreds of incarcerated individuals and staff who contracted COVID-19 at FCI Fort Dix remain unclear.

While BOP has certainly faced many difficult decisions while responding to the COVID-19 pandemic, it is distressing that a hard-hit facility such as FCI Fort Dix purportedly did not receive the supplemental resources it clearly required. Going forward, we request that FCI Fort Dix has the necessary resources to more effectively protect its staff and incarcerated population for the remainder of the pandemic. On December 27, 2020, then-President Trump signed into law a year-end spending bill and COVID-19 relief package (P.L. 116-260), which included an additional \$300 million in emergency supplemental funding for BOP. In light of the concerns detailed above and the availability of additional funding, we respectfully request that you respond to the following questions no later than Friday, March 12, 2021:

1. BOP Regional Director N.C. English stated in her December 3, 2020 response to an inquiry from our offices that "...BOP determined to maintain CARES Act funding centrally and allocate the funding to those institutions with the most need. FCI Fort Dix has been able to manage its operations without additional CARES Act funding." Please explain, in greater detail, when and by what metric BOP determined that FCI Fort Dix was managing its operations and did not require CARES Act funding.
2. As COVID-19 cases began to rise at FCI Fort Dix from October 2020 onward, did BOP at any point revisit the decision not to provide CARES Act funding to the facility?
3. Does BOP have a spending plan for the \$300 million in emergency funding included in the Consolidated Appropriations Act of 2021? If so, please enclose a copy in your response. If not, please provide a detailed summary of how BOP plans to use this funding.
4. How is BOP determining facilities' allocations from the emergency funding included in the Consolidated Appropriations Act of 2021?
5. Has or will FCI Fort Dix receive funding or resources from the emergency funding included in the Consolidated Appropriations Act of 2021? If so, will this funding meet the full needs of FCI Fort Dix?
6. As of March 3, 2021, BOP's website indicates that FCI Fort Dix has fully inoculated 161 incarcerated individuals at the facility against COVID-19 out of a total incarcerated population of 2,751.⁵ Please provide a detailed timeline for the COVID-19 vaccination program at FCI Fort Dix for both incarcerated individuals and staff.
7. In your letter to our offices dated December 16, 2020, you stated that FCI Fort Dix has "significant supplies of personal protective equipment..." Are masks currently available, free of cost, to all incarcerated individuals at FCI Fort Dix?
8. Is BOP offering any additional resources or support, including via programs authorized by the First Step Act (P.L. 115-391), to formerly incarcerated individuals who contracted COVID-19 at FCI Fort Dix and are now suffering from long-term health effects from the virus?

Thank you for your prompt consideration of this urgent matter.

⁴ https://www.bop.gov/resources/news/pdfs/20210125_press_release_ftd.pdf

⁵ <https://www.bop.gov/coronavirus/>

Sincerely,



Robert Menendez
United States Senator



Cory A. Booker
United States Senator



Frank Pallone, Jr.
Member of Congress



Bill Pascrell, Jr.
Member of Congress



Donald M. Payne, Jr.
Member of Congress



Donald Norcross
Member of Congress



Bonnie Watson Coleman
Member of Congress



Andy Kim
Member of Congress



Mikie Sherrill
Member of Congress



Tom Malinowski
Member of Congress

CC:

The Honorable Monty Wilkinson
Acting Attorney General
U.S. Department of Justice